

REMARKS

This paper is responsive to a Final Office Action dated May 16, 2006. Prior to this amendment, claims 1-9 and 12 were pending. After amending claims 2-4 and 9, canceling claims 1 and 6-8, and adding claims 13-15, claims 2-5, 9, and 12-15 remain pending.

In Section 2 of the Office Action, claim 1 has been rejected under 35 U.S.C. 102(b) as anticipated by Saito et al. ("Saito"). The Office Action states that Saito describes NbO as a gate overlying a gate dielectric, citing paragraphs [0011], [0020], and [0027].

In Section 4 of the Office Action, claim 2 has been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Saito.

In Section 5 of the Office Action claims 3, 6, and 7 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Saito, in view of Esashi.

In Section 6 of the Office Action claim 4 has been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Saito, in view of Suzuki.

In Section 7 of the Office Action claim 5 has been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Saito, in view of Suzuki and Ma.

Section 9 of the Office Action states that claim 12 is allowed. In response, claims 2-5 and 9 have been amended to depend from claim 12, and new claims 13-15 have been added, which depend from claim 12. All claims dependent from claim 12 should be found allowable.


Section 10 of the Office Action states that claims 8 and 9 would be found allowable if rewritten in independent form, including all the subject matter of the base and intervening claims.

It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

Respectfully submitted,

Date:

6/28/2006


Gerald Maliszewski
Registration No. 38,054

Customer Number 55,286
P.O. Box 270829
San Diego, CA 92198-2829
Telephone: (858) 451-9950
Facsimile: (858) 451-9869
gerry@ipatentit.net